



March 27, 2015

ENGROSSED SENATE BILL No. 508

DIGEST OF SB 508 (Updated March 26, 2015 10:43 am - DI 77)

Citations Affected: IC 16-42; IC 25-38.1; IC 26-3.

Synopsis: Animals and agriculture. Makes certain changes to the exemptions to the food establishment requirements concerning eggs and poultry. Defines "equine massage therapy". Provides that equine massage therapy is not included in the practice of veterinary medicine. Requires a person, who is not the owner or caretaker of a domesticated animal, to have a prescription before administering a veterinary prescription product. Provides that a licensed warehouse and grain buyer is subject to a fine for failure to timely file a renewal form or renewal fee.

Effective: July 1, 2015.

Steele, Messmer

(HOUSE SPONSORS — LEHE, BAIRD, CLERE, WRIGHT)

January 14, 2015, read first time and referred to Committee on Agriculture.
February 3, 2015, amended, reported favorably — Do Pass.
February 10, 2015, read second time, amended, ordered engrossed.
February 11, 2015, engrossed.
February 16, 2015, read third time, passed. Yeas 46, nays 4.

HOUSE ACTION

March 12, 2015, read first time and referred to Committee on Agriculture and Rural Development.
March 26, 2015, amended, reported — Do Pass.

ES 508—LS 7434/DI 109



March 27, 2015

First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED SENATE BILL No. 508

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 16-42-5-29, AS AMENDED BY P.L.154-2014,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 29. (a) This section applies to an individual
4 vendor of a farmer's market or roadside stand.
5 (b) As used in this section, "end consumer" means a person who is
6 the last person to purchase any food product and who does not resell
7 the food product.
8 (c) An individual vendor of a farmer's market or roadside stand is
9 not considered to be a food establishment and is exempt from the
10 requirements of this title that apply to food establishments if the
11 individual vendor's food product:
12 (1) is made, grown, or raised by an individual at the individual's
13 primary residence, property owned by the individual, or property
14 leased by the individual;
15 (2) is not a potentially hazardous food product;
16 (3) is prepared by an individual who practices proper sanitary

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- 1 procedures, including:
- 2 (A) proper hand washing;
- 3 (B) sanitation of the container or other packaging in which the
- 4 food product is contained; and
- 5 (C) safe storage of the food product;
- 6 ~~(4) consists of eggs meeting the requirements of IC 16-42-11;~~
- 7 ~~(5) (4) is not resold; and~~
- 8 ~~(6) (5) includes a label that contains the following information:~~
- 9 (A) The name and address of the producer of the food product.
- 10 (B) The common or usual name of the food product.
- 11 (C) The ingredients of the food product, in descending order
- 12 by predominance by weight.
- 13 (D) The net weight and volume of the food product by
- 14 standard measure or numerical count.
- 15 (E) The date on which the food product was processed.
- 16 (F) The following statement in at least 10 point type: "This
- 17 product is home produced and processed and the production
- 18 area has not been inspected by the state department of health."
- 19 (d) An individual vendor who meets the requirements in subsection
- 20 (c) is subject to food sampling and inspection if:
- 21 (1) the state department determines that the individual vendor's
- 22 food product is:
- 23 (A) misbranded under IC 16-42-2-3; or
- 24 (B) adulterated; or
- 25 (2) a consumer complaint has been received by the state
- 26 department.
- 27 (e) If the state department has reason to believe that an imminent
- 28 health hazard exists with respect to an individual vendor's food
- 29 product, the state department may order cessation of production and
- 30 sale of the food product until the state department determines that the
- 31 hazardous situation has been addressed.
- 32 (f) For purposes of this section, the state health commissioner or the
- 33 commissioner's authorized representatives may take samples for
- 34 analysis and conduct examinations and investigations through any
- 35 officers or employees under the state health commissioner's
- 36 supervision. Those officers and employees may enter, at reasonable
- 37 times, the facilities of an individual vendor and inspect any food
- 38 products in those places and all pertinent equipment, materials,
- 39 containers, and labeling.
- 40 (g) The state health commissioner may develop guidelines for an
- 41 individual vendor who seeks an exemption from regulation as a food
- 42 establishment as described in subsection (c). The guidelines may



- 1 include:
- 2 (1) standards for best safe food handling practices;
- 3 (2) disease control measures; and
- 4 (3) standards for potable water sources.
- 5 (h) The department shall adopt rules that:
- 6 (1) exclude slaughtering and processing of poultry on a farm for
- 7 the purpose of conducting limited sales under 9 CFR 381.10, as
- 8 adopted by reference in 345 IAC 10-2.1-1, from the definition of
- 9 food establishment if the slaughtered and processed poultry or
- 10 poultry product is sold only **to the end consumer on a the farm**
- 11 **where the poultry is produced**, at a farmer's market, ~~through~~
- 12 ~~delivery~~, or at a roadside stand;
- 13 (2) require that poultry processed under this section that is sold on
- 14 a farm be refrigerated at the point of sale and labeled in
- 15 compliance with the requirements of 9 CFR 381.10;
- 16 (3) allow rabbits to be slaughtered and processed on a farm for the
- 17 purpose of conducting limited sales on the farm, at a farmer's
- 18 market, and at a roadside stand;
- 19 (4) require that rabbits processed under this section be frozen at
- 20 the point of sale; and
- 21 (5) require that poultry processed under this section that is sold at
- 22 a farmer's market ~~through delivery~~, or at a roadside stand be
- 23 frozen at the point of sale and labeled in compliance with the
- 24 requirements of 9 CFR 381.10.

25 An individual vendor of a farmer's market or roadside stand operating

26 under the exclusion provided in this subsection must slaughter and

27 process poultry in compliance with the Indiana state board of animal

28 health requirements for producers operating under 9 CFR 381.10.

29 Poultry processed under the exclusion provided in this subsection must

30 be used, sold, or frozen within seventy-two (72) hours of processing.

31 **(i) An individual vendor of a farmer's market or roadside stand**

32 **that sells eggs that meet the requirements under IC 16-42-11 is not**

33 **considered to be a food establishment and is exempt from the**

34 **requirements of this title that apply to food.**

35 **(j)** Notwithstanding any other law, a local unit of government (as

36 defined in IC 14-22-31.5-1) may not by ordinance or resolution require

37 any licensure, certification, or inspection of foods or food products of

38 an individual vendor who meets the requirements in subsection (c),

39 including an individual vendor who delivers the individual's food or

40 food product directly to an end consumer.

41 SECTION 2. IC 25-38.1-1-12, AS ADDED BY P.L.58-2008,

42 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2015]: Sec. 12. **(a)** "Practice of veterinary medicine" means:
- 2 (1) representing oneself as engaged in the practice of veterinary
- 3 medicine, veterinary surgery, or veterinary dentistry or any of
- 4 their branches or specialties;
- 5 (2) using words, letters, or titles in a connection or under
- 6 circumstances that may induce another person to believe that the
- 7 person using them is engaged in the practice of veterinary
- 8 medicine, veterinary surgery, or veterinary dentistry;
- 9 (3) accepting compensation for doing any of the things described
- 10 in subdivisions (4) through (8);
- 11 (4) providing the diagnosis, treatment, correction, or prevention
- 12 of any disease, defect, injury, deformity, pain, or condition of
- 13 animals;
- 14 (5) prescribing, dispensing, or ordering the administration of a
- 15 drug, a medicine, a biologic, a medical appliance, an application,
- 16 or treatment of whatever nature for the prevention, cure, or relief
- 17 of any disease, ailment, defect, injury, deformity, pain, or other
- 18 condition of animals;
- 19 (6) performing a:
- 20 (A) surgical or dental operation; or
- 21 (B) complimentary or alternative therapy;
- 22 upon an animal;
- 23 (7) certifying the health, fitness, or soundness of an animal; or
- 24 (8) performing any procedure for the diagnosis of pregnancy,
- 25 sterility, or infertility upon animals.
- 26 **(b) However,** The term does not include:
- 27 **(1)** administering a drug, medicine, appliance, application, or
- 28 treatment that is administered at the direction and under the direct
- 29 supervision of a veterinarian licensed under this article; **or**
- 30 **(2) equine massage therapy.**
- 31 **(c) As used in this section, "equine massage therapy" means a**
- 32 **method of treating the body of a horse for remedial or hygienic**
- 33 **purposes through techniques that:**
- 34 **(1) include rubbing, stroking, or kneading the body of the**
- 35 **horse; and**
- 36 **(2) may be applied with or without the aid of a massage device**
- 37 **that mimics the actions possible using human hands.**
- 38 **The term does not include prescribing a drug, performing surgery,**
- 39 **chiropractic, or acupuncture, or diagnosing a medical condition.**
- 40 SECTION 3. IC 25-38.1-4-5, AS ADDED BY P.L.58-2008,
- 41 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 42 JULY 1, 2015]: Sec. 5. (a) A licensed veterinarian may write



1 prescriptions. Pharmacists shall give the prescriptions written by a
 2 licensed veterinarian the same recognition given the prescriptions of
 3 persons holding an unlimited license to practice medicine or
 4 osteopathic medicine.

5 (b) A valid veterinarian-client-patient relationship must exist before
 6 a licensed veterinarian dispenses or prescribes a prescription product.

7 (c) Veterinary prescription products, including drugs and
 8 immunizing products restricted by state and federal law for use by
 9 licensed veterinarians, may not be diverted or transferred to an
 10 individual for use on an animal if there is not a current
 11 veterinarian-client-patient relationship with the original prescribing
 12 veterinarian.

13 (d) If a veterinarian prescribes a drug for the client's animal, upon
 14 request, the veterinarian shall provide the prescription to the client,
 15 unless prohibited by state or federal law or to prevent inappropriate
 16 use.

17 **(e) This subsection does not apply to the use of a veterinary
 18 prescription product on:**

19 **(1) livestock (as defined by IC 15-11-5-1); or**

20 **(2) a domesticated animal, including a domesticated animal
 21 normally maintained in or near an owner's home, by the
 22 animal's owner or a person who cares for the animal.**

23 **Before a person may administer a veterinary prescription product,
 24 including an antibiotic or immunization product, on a dog, cat, or
 25 other domesticated animal, the person shall obtain a prescription
 26 for the veterinary prescription product from a licensed
 27 veterinarian.**

28 SECTION 4. IC 26-3-7-6.1, AS AMENDED BY HEA-1549,
 29 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2015]: Sec. 6.1. (a) Not more than ninety (90) days after the
 31 end of a licensee's fiscal year, the licensee shall file with the agency a
 32 current review level financial statement or better financial statement
 33 that reflects the licensee's financial situation for the previous fiscal
 34 year. The financial statement must be submitted with the licensee's
 35 renewal forms and fees.

36 (b) A financial statement submitted under this section must:

37 (1) be prepared by an independent accountant certified under
 38 IC 25-2.1;

39 (2) comply with generally accepted accounting principles; and

40 (3) contain:

41 (A) an income statement;

42 (B) a balance sheet;



- 1 (C) a statement of cash flow;
 2 (D) a statement of retained earnings;
 3 (E) an aged accounts receivable listing detailing accounts that
 4 are ninety (90) days due, one hundred twenty (120) days due,
 5 and more than one hundred twenty (120) days due;
 6 (F) a copy of the daily position record for the end of the
 7 licensee's fiscal year;
 8 (G) the preparer's notes; and
 9 (H) other information the agency requires.
- 10 The director may adopt rules under IC 4-22-2 to allow the agency to
 11 accept other substantial supporting documents instead of those listed
 12 to determine the financial solvency of the applicant if the director
 13 determines that providing the listed documents creates a financial or
 14 other hardship on the applicant or licensee.
- 15 (c) If the licensee has failed to timely file the financial statement,
 16 **renewal form, or renewal fee** as required in subsection (a), the agency
 17 may assess a fine as follows:
- 18 (1) Fifty percent (50%) of the licensee's renewal fee for a
 19 financial statement, renewal form, or renewal fee that is at least
 20 **one (1) day and not more than** sixty (60) days late.
 21 (2) One hundred percent (100%) of the licensee's renewal fee for
 22 a financial statement, renewal form, or renewal fee that is more
 23 than sixty (60) days late.
- 24 (d) The agency may file a notice of hearing for any fines assessed
 25 under subsection (c).



COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture, to which was referred Senate Bill No. 508, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 15-19-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 8. Equine Massage and Manipulation Therapy

Sec. 1. "Equine massage and manipulation therapy" means a method of treating the body of a horse for remedial or hygienic purposes through techniques that include rubbing, stroking, kneading, or tapping the body of the horse with the hand, an instrument, or both. The term does not include:

- (1) prescribing a drug;**
- (2) performing surgery; or**
- (3) diagnosing a medical condition.**

Sec. 2. Except as provided in section 3 of this chapter, a person may engage in the practice of equine massage and manipulation therapy only under the supervision of a veterinarian licensed under IC 25-38.1.

Sec. 3. A person may engage in the practice of equine massage and manipulation therapy without being supervised by a veterinarian licensed under IC 25-38.1 if:

- (1) the person provides the owner of the horse with written notice conspicuously stating that the person is not a veterinarian and that the performance of equine massage and manipulation therapy on the horse will not be supervised by a licensed veterinarian; and**
- (2) the owner of the horse provides written consent to the person specifically allowing the person to perform equine massage and manipulation therapy on the horse without being supervised by a licensed veterinarian.**

Sec. 4. A person is not required to be certified under IC 25-21.8



to engage in the practice of equine massage and manipulation therapy."

Page 2, line 16, delete "performed" and insert "**(as defined by IC 15-19-8-1)**".

Page 2, delete lines 17 through 22.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 508 as introduced.)

LEISING, Chairperson

Committee Vote: Yeas 5, Nays 1.

SENATE MOTION

Madam President: I move that Senate Bill 508 be amended to read as follows:

Page 1, delete lines 1 through 16.

Page 2, delete lines 1 through 15.

Page 3, line 5, delete "and manipulation therapy (as defined by" and insert "**therapy**".

Page 3, delete line 6, begin a new paragraph and insert:

"(c) As used in this section, "equine massage therapy" means a method of treating the body of a horse for remedial or hygienic purposes through techniques that:

(1) include rubbing, stroking, kneading, or tapping the body of the horse; and

(2) may be applied with or without the aid of a massage device that mimics the actions possible using human hands.

The term does not include prescribing a drug, performing surgery, or diagnosing a medical condition."

Renumber all SECTIONS consecutively.

(Reference is to SB 508 as printed February 4, 2015.)

STEELE



COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Senate Bill 508, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-42-5-29, AS AMENDED BY P.L.154-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 29. (a) This section applies to an individual vendor of a farmer's market or roadside stand.

(b) As used in this section, "end consumer" means a person who is the last person to purchase any food product and who does not resell the food product.

(c) An individual vendor of a farmer's market or roadside stand is not considered to be a food establishment and is exempt from the requirements of this title that apply to food establishments if the individual vendor's food product:

- (1) is made, grown, or raised by an individual at the individual's primary residence, property owned by the individual, or property leased by the individual;
- (2) is not a potentially hazardous food product;
- (3) is prepared by an individual who practices proper sanitary procedures, including:
 - (A) proper hand washing;
 - (B) sanitation of the container or other packaging in which the food product is contained; and
 - (C) safe storage of the food product;
- ~~(4) consists of eggs meeting the requirements of IC 16-42-11;~~
- ~~(5) (4) is not resold; and~~
- ~~(6) (5) includes a label that contains the following information:~~
 - (A) The name and address of the producer of the food product.
 - (B) The common or usual name of the food product.
 - (C) The ingredients of the food product, in descending order by predominance by weight.
 - (D) The net weight and volume of the food product by standard measure or numerical count.
 - (E) The date on which the food product was processed.



- (F) The following statement in at least 10 point type: "This product is home produced and processed and the production area has not been inspected by the state department of health."
- (d) An individual vendor who meets the requirements in subsection (c) is subject to food sampling and inspection if:
- (1) the state department determines that the individual vendor's food product is:
 - (A) misbranded under IC 16-42-2-3; or
 - (B) adulterated; or
 - (2) a consumer complaint has been received by the state department.
- (e) If the state department has reason to believe that an imminent health hazard exists with respect to an individual vendor's food product, the state department may order cessation of production and sale of the food product until the state department determines that the hazardous situation has been addressed.
- (f) For purposes of this section, the state health commissioner or the commissioner's authorized representatives may take samples for analysis and conduct examinations and investigations through any officers or employees under the state health commissioner's supervision. Those officers and employees may enter, at reasonable times, the facilities of an individual vendor and inspect any food products in those places and all pertinent equipment, materials, containers, and labeling.
- (g) The state health commissioner may develop guidelines for an individual vendor who seeks an exemption from regulation as a food establishment as described in subsection (c). The guidelines may include:
- (1) standards for best safe food handling practices;
 - (2) disease control measures; and
 - (3) standards for potable water sources.
- (h) The department shall adopt rules that:
- (1) exclude slaughtering and processing of poultry on a farm for the purpose of conducting limited sales under 9 CFR 381.10, as adopted by reference in 345 IAC 10-2.1-1, from the definition of food establishment if the slaughtered and processed poultry or poultry product is sold only **to the end consumer on a the farm where the poultry is produced**, at a farmer's market, ~~through delivery~~; or at a roadside stand;
 - (2) require that poultry processed under this section that is sold on a farm be refrigerated at the point of sale and labeled in compliance with the requirements of 9 CFR 381.10;



- (3) allow rabbits to be slaughtered and processed on a farm for the purpose of conducting limited sales on the farm, at a farmer's market, and at a roadside stand;
- (4) require that rabbits processed under this section be frozen at the point of sale; and
- (5) require that poultry processed under this section that is sold at a farmer's market ~~through delivery~~, or at a roadside stand be frozen at the point of sale and labeled in compliance with the requirements of 9 CFR 381.10.

An individual vendor of a farmer's market or roadside stand operating under the exclusion provided in this subsection must slaughter and process poultry in compliance with the Indiana state board of animal health requirements for producers operating under 9 CFR 381.10. Poultry processed under the exclusion provided in this subsection must be used, sold, or frozen within seventy-two (72) hours of processing.

(i) An individual vendor of a farmer's market or roadside stand that sells eggs that meet the requirements under IC 16-42-11 is not considered to be a food establishment and is exempt from the requirements of this title that apply to food.

(ii) (j) Notwithstanding any other law, a local unit of government (as defined in IC 14-22-31.5-1) may not by ordinance or resolution require any licensure, certification, or inspection of foods or food products of an individual vendor who meets the requirements in subsection (c), including an individual vendor who delivers the individual's food or food product directly to an end consumer."

Page 2, line 20, delete "kneading, or tapping" and insert "**or kneading**".

Page 2, line 24, after "surgery," insert "**chiropractic, or acupuncture,**".

Page 2, after line 25, begin a new paragraph and insert:

"SECTION 2. IC 25-38.1-4-5, AS ADDED BY P.L.58-2008, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A licensed veterinarian may write prescriptions. Pharmacists shall give the prescriptions written by a licensed veterinarian the same recognition given the prescriptions of persons holding an unlimited license to practice medicine or osteopathic medicine.

(b) A valid veterinarian-client-patient relationship must exist before a licensed veterinarian dispenses or prescribes a prescription product.

(c) Veterinary prescription products, including drugs and immunizing products restricted by state and federal law for use by licensed veterinarians, may not be diverted or transferred to an



individual for use on an animal if there is not a current veterinarian-client-patient relationship with the original prescribing veterinarian.

(d) If a veterinarian prescribes a drug for the client's animal, upon request, the veterinarian shall provide the prescription to the client, unless prohibited by state or federal law or to prevent inappropriate use.

(e) This subsection does not apply to the use of a veterinary prescription product on:

- (1) livestock (as defined by IC 15-11-5-1); or**
- (2) a domesticated animal, including a domesticated animal normally maintained in or near an owner's home, by the animal's owner or a person who cares for the animal.**

Before a person may administer a veterinary prescription product, including an antibiotic or immunization product, on a dog, cat, or other domesticated animal, the person shall obtain a prescription for the veterinary prescription product from a licensed veterinarian.

SECTION 3. IC 26-3-7-6.1, AS AMENDED BY HEA-1549, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6.1. (a) Not more than ninety (90) days after the end of a licensee's fiscal year, the licensee shall file with the agency a current review level financial statement or better financial statement that reflects the licensee's financial situation for the previous fiscal year. The financial statement must be submitted with the licensee's renewal forms and fees.

(b) A financial statement submitted under this section must:

- (1) be prepared by an independent accountant certified under IC 25-2.1;
- (2) comply with generally accepted accounting principles; and
- (3) contain:
 - (A) an income statement;
 - (B) a balance sheet;
 - (C) a statement of cash flow;
 - (D) a statement of retained earnings;
 - (E) an aged accounts receivable listing detailing accounts that are ninety (90) days due, one hundred twenty (120) days due, and more than one hundred twenty (120) days due;
 - (F) a copy of the daily position record for the end of the licensee's fiscal year;
 - (G) the preparer's notes; and
 - (H) other information the agency requires.



The director may adopt rules under IC 4-22-2 to allow the agency to accept other substantial supporting documents instead of those listed to determine the financial solvency of the applicant if the director determines that providing the listed documents creates a financial or other hardship on the applicant or licensee.

(c) If the licensee has failed to timely file the financial statement, **renewal form, or renewal fee** as required in subsection (a), the agency may assess a fine as follows:

(1) Fifty percent (50%) of the licensee's renewal fee for a financial statement, renewal form, or renewal fee that is at least **one (1) day and not more than** sixty (60) days late.

(2) One hundred percent (100%) of the licensee's renewal fee for a financial statement, renewal form, or renewal fee that is more than sixty (60) days late.

(d) The agency may file a notice of hearing for any fines assessed under subsection (c)."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 508 as reprinted February 11, 2015.)

LEHE

Committee Vote: yeas 10, nays 0.

